

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #10	CCRB Case #: 201710355	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/10/2017 5:02 PM	Location of Incident: Reservoir Avenue and Goulden Avenue; § 87(2)(b)	Precinct: 50	18 Mo. SOL 5/10/2019	EO SOL 5/10/2019	
Date/Time CV Reported Fri, 12/15/2017 11:15 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/15/2017 11:15 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Francia Peralta	02148	930926	050 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM William Dambrosio	18298	958462	050 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Francia Peralta	Abuse: At Reservoir Avenue and Goulden Avenue in the Bronx, Police Officer Francia Peralta searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
B.POF Francia Peralta	Discourtesy: At Reservoir Avenue and Goulden Avenue in the Bronx, Police Officer Francia Peralta spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POF Francia Peralta	Off. Language: At Reservoir Avenue and Goulden Avenue in the Bronx, Police Officer Francia Peralta made remarks to § 87(2)(b) based upon ethnicity.	§ 87(2)(b)
D.POF Francia Peralta	Abuse: At Reservoir Avenue and Goulden Avenue in the Bronx, Police Officer Francia Peralta threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
E.POF Francia Peralta	Discourtesy: At North Central Bronx Hospital in the Bronx, Police Officer Francia Peralta spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Case Summary

On December 15, 2017, § 87(2)(b) filed this complaint with the CCRB via telephone.

On November 10, 2017, at approximately 5:02 p.m., § 87(2)(b) was engaged in a single-vehicle accident on Reservoir Avenue and Goulden Avenue in the Bronx (**Board Review 01**). An ambulance arrived and § 87(2)(b) was placed inside. PO Francia Peralta and PO William D'Ambrosio, from the 50th Precinct, responded to the scene. PO Peralta allegedly opened the front and rear passenger doors of § 87(2)(b)'s car, entered through both doors, and searched the car (**Allegation A: Abuse of Authority- Vehicle Search**, § 87(2)(g)). PO Peralta approached § 87(2)(b) and asked, "What are you?" § 87(2)(b) said, "Human." PO Peralta allegedly responded, "Oh, you're a smartass" (**Allegation B: Discourtesy- Word**, § 87(2)(g)). PO Peralta then allegedly asked, "What nationality are you?" (**Allegation C: Offensive Language- Race**, § 87(2)(g)). PO Peralta was not filling out any paperwork at the time and she did not ask § 87(2)(b) any other pedigree information. § 87(2)(b) asked to get something from his car and stood up. PO Peralta allegedly said, "No, sit down and shut the fuck up and answer my questions. I see you have a huge debt of child support... You're a deadbeat. Look at all that money you owe in child support. You must have warrants for all that money. Over \$200K in child support. What do you do for a living? You have a bad background. You have an extensive record" (**Allegation B continued**). § 87(2)(b) became upset and stood up from the gurney. PO Peralta allegedly said, "Stay back or I'm gonna have to put you back" (**Allegation D: Abuse of Authority: Threat of Force**, § 87(2)(g)). PO Peralta handcuffed § 87(2)(b) and told him he was under arrest. § 87(2)(b) was transported to § 87(2)(b). In the emergency waiting room, PO Peralta allegedly called § 87(2)(b) a "deadbeat" a couple of times and asked, "How could you not pay child support? You leave your kid out in the cold" (**Allegation E: Discourtesy- Word**, § 87(2)(g)).

§ 87(2)(b) was arrested for § 87(2)(b) (Board Review 02).

There is no video evidence for this case.

Findings and Recommendations

Allegation A: Abuse of Authority- At Reservoir Avenue and Goulden Avenue in the Bronx, Police Officer Francia Peralta searched the vehicle in which § 87(2)(b) was an occupant.

Allegation B: Discourtesy- At Reservoir Avenue and Goulden Avenue in the Bronx, Police Officer Francia Peralta spoke discourteously to § 87(2)(b)

Allegation C: Offensive Language- Police Officer Francia Peralta made remarks to § 87(2)(b) based upon ethnicity.

Allegation D: Abuse of Authority- At Reservoir Avenue and Goulden Avenue in the Bronx, Police Officer Francia Peralta threatened § 87(2)(b) with the use of force.

Allegation E: Discourtesy- At § 87(2)(b) in the Bronx, Police Officer Francia Peralta spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that he was in the ambulance with EMT § 87(2)(b) and EMT § 87(2)(b). PO Peralta approached and asked § 87(2)(b) for identification. § 87(2)(b) stated, "My wallet is in the center console or right by the shift gear in the front." PO Peralta also asked § 87(2)(b).

“What do you do for a living? You drive a Mercedes Benz.” § 87(2)(b) replied, “It’s an older model. I work.” PO Peralta walked away to § 87(2)(b)’s car and opened the front and rear passenger doors and entered through both doors. PO Peralta shuffled through the car and checked underneath the seats for approximately five minutes. PO Peralta then re-approached the ambulance and asked § 87(2)(b) “What are you?” § 87(2)(b) said, “Human.” PO Peralta responded, “Oh, you’re a smartass.” PO Peralta then asked, “What nationality are you?” § 87(2)(b) responded, “I’m Hispanic.” PO Peralta was not filling out any paperwork at the time and she did not ask § 87(2)(b) any other pedigree information. § 87(2)(b) asked to get something from his car and stood up. PO Peralta said, “No, sit down and shut the fuck up and answer my questions.” PO Peralta added, “I see you have a huge debt of child support... You’re a deadbeat. Look at all that money you owe in child support. You must have warrants for all that money. Over \$200K in child support. What do you do for a living? You have a bad background. You have an extensive record.” § 87(2)(b) became upset and stood up from the gurney. PO Peralta said, “Stay back or I’m gonna have to put you back.” PO Peralta then handcuffed § 87(2)(b) to the gurney and said, “You’re under arrest. Your license is suspended.” § 87(2)(b) was transported to § 87(2)(b). In the emergency waiting room, PO Peralta called § 87(2)(b) a “deadbeat” a couple of times and asked, “How could you not pay child support? You leave your kid out in the cold.” § 87(2)(b) was ultimately charged with a traffic infraction and he paid a fine. In his initial complaint to the CCRB, § 87(2)(b) alleged that PO Peralta called him a “scumbag” and a “deadbeat,” and that PO Peralta re-tightened his handcuffs. § 87(2)(g)

§ 87(2)(b) (Board Review 03).

EMT § 87(2)(b) stated that he and EMT § 87(2)(b) approached § 87(2)(b) several times to render him medical attention, but § 87(2)(b) refused. EMT § 87(2)(b) and EMT § 87(2)(b) then sat in the ambulance and filled out paperwork when two officers from the 52nd Precinct arrived. EMT § 87(2)(b) did not recall if these officers spoke to § 87(2)(b). PO Peralta and PO D’Ambrosio arrived shortly after. The officers from both precincts spoke to each other. PO Peralta and PO D’Ambrosio then approached § 87(2)(b). EMT § 87(2)(b) and EMT § 87(2)(b) were in the ambulance and the officers told them to wait because § 87(2)(b) was undecided about needing medical attention. EMT § 87(2)(b) and EMT § 87(2)(b) approached the rear of the ambulance. PO Peralta asked § 87(2)(b) for identification. EMT § 87(2)(b) believed § 87(2)(b) stated that he did not have his license on him. EMT § 87(2)(b) did not recall if § 87(2)(b) told the officers that his license was in his vehicle. EMT § 87(2)(b) did not recall seeing any officer entering or searching § 87(2)(b)’s vehicle. They waited around for a while so EMT § 87(2)(b) approached PO Peralta, who was in her police vehicle, and followed up on whether they could go. PO Peralta asked them to wait because there was a problem with § 87(2)(b)’s license. EMT § 87(2)(b) heard PO Peralta say that the suspended license had something to do with child support, but he was not sure whether that was directed towards him or PO D’Ambrosio. PO Peralta re-approached § 87(2)(b) and told him that he was under arrest. § 87(2)(b) became very upset and agitated by moving his hands and asking, “But why? I’m gonna call my lawyer.”

EMT § 87(2)(b) initially stated that PO Peralta mentioned to § 87(2)(b) that his license was suspended and that it probably had something to do with child support. EMT § 87(2)(b) later stated that § 87(2)(b) defended himself, saying something along the lines of, “No. My license is fine. My child support is okay” and that § 87(2)(b) prompted the statement about child support on his

own. § 87(2)(b) asked, “Can I lay down?” The EMT’s said yes. § 87(2)(b) lay down and PO Peralta handcuffed him to the stretcher. EMT § 87(2)(b) did not hear any officer say to § 87(2)(b) “Stay back or I’m gonna have to put you back” or “Sit down and shut the fuck up, and answer my question.” EMT § 87(2)(b) did not hear any officer ask § 87(2)(b) “What nationality are you?” or “What do you do for a living?” EMT § 87(2)(b) did not hear any officer say to § 87(2)(b) “I see you have a huge debt of child support,” “You have a bad background. You have an extensive record.” EMT § 87(2)(b) did not hear any officer call § 87(2)(b) a “scumbag,” a “deadbeat,” or a “smartass” **(Board Review 04)**.

§ 87(2)(g) PO Peralta spoke with § 87(2)(b). She believed § 87(2)(b) was asked for his license and that he provided it. EMT § 87(2)(b) did not recall if § 87(2)(b) told the officers that his license was in his car. EMT § 87(2)(b) did not recall if an officer entered or searched § 87(2)(b)’s car. EMT § 87(2)(b) did not recall what § 87(2)(b) was arrested for, but he disputed the arrest. EMT § 87(2)(b) did not recall if § 87(2)(b) was handcuffed. EMT § 87(2)(b) did not recall hearing any officer threaten to use force against § 87(2)(b) or say, “Stay back or I’m gonna have to put you back.” EMT § 87(2)(b) did not hear any officer ask § 87(2)(b) what his nationality was or what he did for a living. EMT § 87(2)(b) did not hear any officer say to § 87(2)(b) “I see you have a huge debt of child support.” EMT § 87(2)(b) did not recall hearing any officer say to § 87(2)(b) “You have a bad background. You have an extended record.” EMT § 87(2)(b) did not recall hearing any officer question or comment about § 87(2)(b)’s arrest history. EMT § 87(2)(b) did not hear any officer call § 87(2)(b) a “scumbag,” a “deadbeat,” or a “smartass.” EMT § 87(2)(b) did not hear any officer say to § 87(2)(b) “Sit down and shut the fuck up, and answer my question” **(Board Review 05)**.

PO Peralta stated that she and PO D’Ambrosio responded to the incident location in regards to a vehicle accident. § 87(2)(b) was in the ambulance with EMT § 87(2)(b) and EMT § 87(2)(b). Two officers from the 52nd Precinct were present and stated that the accident occurred in the confines of the 50th Precinct and that § 87(2)(b) had a suspended license. PO Peralta did not recall having § 87(2)(b)’s license. PO Peralta did not recall if she asked § 87(2)(b) for his identification. She did not recall if § 87(2)(b) said where his license was. PO Peralta did not recall if § 87(2)(b) stated that his license was in his car. PO Peralta did not recall entering § 87(2)(b)’s car. PO Peralta did not search § 87(2)(b)’s car or see any officer doing so. PO Peralta checked § 87(2)(b)’s information and confirmed that his license was suspended. § 87(2)(b) was subsequently placed under arrest. PO Peralta re-entered the ambulance and told § 87(2)(b) that he was under arrest due to his suspended license. § 87(2)(b) was angry and said that his license was not suspended for child support issues because he was in the court process. PO Peralta told § 87(2)(b) that one of the reasons that came up for the suspension was child support. § 87(2)(b) made other statements that she did not recall. PO Peralta then handcuffed § 87(2)(b). § 87(2)(b) did not resist. PO Peralta did not and did not hear any officer threaten to use force against § 87(2)(b) or say, “Stay back or I’m gonna have to put you back.” PO Peralta did not and did not hear any officer ask § 87(2)(b) what his nationality was, what he did for a living, or talk about § 87(2)(b)’s arrest history. PO Peralta did not and did not hear any officer say to § 87(2)(b) “I see you have a huge debt for child support,” “You have a bad background. You have an extensive record,” or “You must have warrants for all that money.” PO Peralta did not and did not hear any officer say to § 87(2)(b) “Sit down and shut the fuck up, and answer my questions.” PO Peralta

did not and did not hear any officer call § 87(2)(b) a “smartass,” a “scumbag,” or a “deadbeat” **(Board Review 06).**

§ 87(2)(g) PO D’Ambrosio did not recall whether the officers from the 52nd Precinct or § 87(2)(b) provided his license. He did not recall whether § 87(2)(b) stated that his license was in his car. PO D’Ambrosio did not and did not see any officer enter or search § 87(2)(b)’s car. PO Peralta informed § 87(2)(b) that he was under arrest. PO D’Ambrosio did not see § 87(2)(b)’s response because he was not present for this; PO D’Ambrosio was possibly outside of the ambulance. PO D’Ambrosio did not recall § 87(2)(b) making any statements about being placed under arrest. PO D’Ambrosio did not and did not hear any officer threaten to use force against § 87(2)(b) or say, “Stay back or I’m gonna have to put you back.” PO D’Ambrosio did not and did not hear any officer say to § 87(2)(b) “Sit down and shut the fuck up, and answer my questions.” PO D’Ambrosio did not and did not hear any officer ask § 87(2)(b) what his nationality was, what he did for a living or talk about his arrest history. PO D’Ambrosio did not and did not hear any officer say to § 87(2)(b) “I see you have a huge debt for child support,” “You have a bad background. You have an extensive record,” or “You must have warrants for all that money.” PO D’Ambrosio did not and did not hear any officer call § 87(2)(b) a “smartass,” a “scumbag,” or a “deadbeat” **(Board Review 07).**

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party **(Board Review 08).**
- PO Peralta has been a member of service for 15 years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
 - Case number 200308162 involved an allegation of force (pepper spray) which was exonerated.
 - Case number 201700942 involved allegations of abuse of authority (threat of arrest and interference with recording) which were both unfounded.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of April 20, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint **(Board Review 09).**

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: **10**

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date